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Byron Dorgan, Chairman

DEMOCRATIC POLICY COMMITTEE

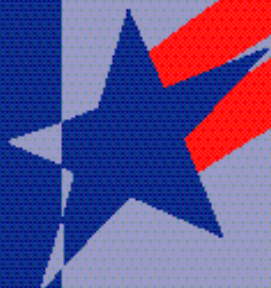
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SPECIAL
REPORT

Zero Tolerance, Zero Loopholes: Democrats Fight for a Comprehensive Approach to Gun Safety

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Zero Tolerance, Zero Loopholes: Democrats Fight for a Comprehensive Approach to Gun Safety

In 1993 and 1994, Democrats passed effective, common-sense gun safety legislation in the face of fierce resistance from the gun lobby. As a result, violent crimes committed with guns – including homicides, robberies, and aggravated assaults – fell by 37 percent between 1993 and 1998, and the Nation's violent crime rate has dropped by nearly 20 percent during the same period.¹

By instituting a background check, this legislation has stopped more than 500,000 felons, fugitives, and other prohibited purchasers from getting guns – preventing untold crimes and violence.²

Despite progress in the fight against crime, Democrats know that we cannot be complacent — gun violence continues to be an American tragedy.

- In 1997, the latest year for which data is available, 32,436 people died from gunshots in America.³
- An average of almost 12 children die every day from gunfire.⁴
- The gun homicide rate for children under 15 is sixteen times higher in the U.S. than in 25 other industrialized nations.⁵

In an effort to hide their record of inaction, Republicans now argue that gun safety is an either/or proposition: either more legislation or tougher enforcement. This is a false choice. The American people want a comprehensive approach that includes common-sense gun legislation; tougher enforcement; and closing the loopholes that exist in current law.

Democrats have embraced this comprehensive approach and are fighting to make our schools, streets and communities safer places to live, work and learn.

Common Sense Legislation

Senate Democrats have responded to recent gun violence by passing common-sense legislation. In 1999, Senate Democrats worked to pass a number of common-sense gun safety provisions in the Senate version of the juvenile justice legislation, **S. 254**, the *Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act*, including: requiring background checks at gun shows; increasing penalties on “straw purchases” to curb the transfer of firearms to individuals who cannot purchase them legally; and requiring the sale of safety locks.⁶

Republicans continue to block this common-sense gun safety legislation by refusing to convene the conference committee on the Juvenile Justice bill. It has been more than eleven months since the Senate passed **S. 254**. Since that time, both the Senate and the House of Representatives have passed resolutions urging the conferees to meet; Senator **Leahy** and Representative Conyers have written to the Chairmen of the Senate and House Judiciary Committees — on multiple occasions — requesting that the conference committee convene; and a major gun manufacturer has agreed to important measures to reduce gun violence in America.

Nevertheless, the Republican leadership has not convened a single substantive meeting of the conference committee, delaying consideration of this critical legislation.

Enhanced Enforcement Efforts

The Administration has worked hard to enforce gun laws. While the majority of gun prosecutions appropriately occur in State and local courts, Department of Justice statistics show a 41 percent increase in the number of Federal gun felons sentenced to more than five years in prison since 1993, and a 16 percent increase in the number of gun cases filed.⁷

In FY 1999, Federal prosecutors brought 5,500 firearms cases against 7,057 defendants. This is a 25 percent increase in the number of Federal firearms cases and a 20 percent increase in the number of defendants compared to 1998.⁸

Senate Democrats are pressing for stronger enforcement. Senate Democrats understand there is an opportunity to improve enforcement efforts across the Nation, and support a comprehensive gun enforcement initiative.

- **Five hundred new ATF agents and inspectors to crack down on gun dealers who break the law.** Senate Democrats support \$94 million in funding for the largest ever increase in ATF agents and inspectors. These new agents will target gun dealers to whom a large number of gun crimes are traced and will crack down on the violent gun criminals and illegal gun traffickers at gun shows, gun stores and on the streets.
- **More than 1,000 local, State, and Federal prosecutors to expand the Federal, State, and local partnership in high gun-crime areas.** Senate Democrats are fighting for \$165 million dollars to fund 1,000 additional local, State, and Federal gun prosecutors to work with local communities, law enforcement, and U.S. attorneys in order to put gun criminals behind bars.
- **Expand Project Exile.** Senate Democrats are working to expand Project Exile. Working with State and local officials, U.S. attorneys review cases involving felons with firearms; drug traffickers with firearms; and domestic violence referrals that involve firearms. Subsequently, these cases often are prosecuted in Federal court, where sentences and bail bonds requirements can be tougher.
- **Comprehensive ballistics DNA testing network.** Senate Democrats support funding for ballistics testing programs to support the deployment of ballistic imaging units to law enforcement — helping to link bullets and shell casings to the criminal guns from which they were discharged.
- **Smart gun technology research and development.** Senate Democrats support \$10 million in funding to further develop, test, and replicate “smart gun” technologies, which could limit a gun’s use to its owner or other authorized users and help to prevent accidental shooting deaths of and by children.

- **Expand the Youth Crime Gun Interdiction Initiative.** Senate Democrats support expanding Youth Crime Gun Interdiction Initiative (YCGII) to 250 cities by 2003 in order to trace guns used in crimes, and identify and arrest adults who sell guns to children.
- **Local media campaigns on gun violence and gun safety.** Senate Democrats support \$10 million to fund matching grants to support local media campaigns on gun violence and gun safety, including proper gun storage.

Closing Loopholes

Loopholes are unenforceable. Money, personnel, and other resources are not effective against loopholes in current law, which continue to hamper law enforcement efforts to reduce gun violence. To help Federal, State, and local law enforcement agencies be more successful in their efforts, Congress needs to do its job and close the loopholes in existing law. Senate Democrats support:

- closing the gun show loophole, which permits sales at gun shows without a background check;
- closing the loophole in the law that permits the importation of large-capacity ammunition clips;
- closing the loophole that allows gun sales to serious juvenile offenders with violent crime records;
- closing the loophole that allows violent felons to own guns by applying to the ATF for “relief” from the “disability” of not being able to purchase and possess firearms; and
- closing the loophole that permits juvenile possession of semi-automatic assault weapons and high-capacity ammunition clips.

End Notes

¹FBI, *Uniform Crime Report* data.

²Department of Justice, "More Than Half a Million Illegal Gun Purchases Stopped by Brady Background Checks," March 15, 2000.

³National Center for Health Statistics.

⁴National Center for Health Statistics.

⁵Department of Justice, *Kids and Violence*, March 7, 2000.

⁶For a more complete listing, see DPC document FS-49, "Democrats Continue to Fight for Effective, Common-Sense Gun Safety Legislation."

⁷Slevin, Peter and John Mintz, "NRA Uses Atlanta Police Killing as Ammunition," *The Washington Post*, March 25, 2000.

⁸Department of Justice, "Justice Department Announces Increases in Federal Gun Prosecutions," January 18, 2000.